

CHAPTER NO. 291

HOUSE BILL NO. 837

By Representative Head

Substituted for: Senate Bill No. 610

By Senator Jackson

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 16; Title 17; Title 18; Title 39 and Title 40, relative to funding and operation of courts, district attorneys general, and district public defenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-3-202, is amended by deleting that section in its entirety and by substituting instead the following language:

40-3-202.

(a) The intent of this part is to provide district attorneys general of this state the resources necessary to deal effectively with fraud, economic, and other crimes, and to provide a means for obtaining restitution in bad check cases prior to the institution of formal criminal charges. Subject to the limitations of Section 40-3-209(b), the use of any monies collected under the provisions of this part shall be directly related to fulfilling the prosecutorial duties of the district attorney general of the district and shall include, but not be limited to, the following:

(1) The enhancement of such resources as may already be available in each district for the prosecution of bad check cases, fraud and other economic crimes and to increase assistance to the victims of such crimes by aiding in the collection of restitution;

(2) The hiring of expert witnesses including, but not limited to, computer specialists, as the need arises;

(3) The expenses of specialized training for staff members to enhance their knowledge of methods of combating fraud and economic crimes and general criminal law enforcement when funds for such training are not available; provided, that payment for such training shall be limited to in-state programs unless the district attorney general determines that such training is essential and not reasonably available within the state of Tennessee;

(4) Matching federal grants directly related to prosecutorial duties of the district attorney general;

(5) Salaries and salary supplements, which may only be paid through the district attorneys general conference for support staff (subject to the limitation of Section 40-3-209(b) of the use of any funds to supplement the salary of any assistant district attorneys); provided, that not later than January 1, 2004, the

district attorneys general conference shall perform, or cause to be performed, a classification/compensation study of support staff reasonably required for the effective operation of district attorneys general offices;

(6) The purchase of equipment and supplies necessary to carry out the purposes of this part; and

(7) The expenses of travel in the performance of official duties of the office that are directly related to prosecution of fraud and economic crimes and general criminal law enforcement when funds for such travel are not available, subject to the limitations of the state of Tennessee comprehensive travel regulations. No monies collected under the provisions of this part shall be used to pay travel expenses in excess of the rates authorized under state travel regulations.

SECTION 2. Tennessee Code Annotated, Section 40-3-207, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) The clerk in each county shall deposit all such fees in an account with the county trustee in the county of the district attorney general's residence, and expenditures from this fund shall be made by the district attorney general only for the purposes provided in Section 40-3-202.

SECTION 3. Tennessee Code Annotated, Section 40-3-208, is amended by deleting that section in its entirety and by substituting instead the following language:

40-3-208. The district attorney general and assistant district attorneys general, district attorney general's investigators, district attorney general's secretaries and any other employee of the district attorney general shall not be civilly or criminally liable for acts performed pursuant to this part or in furtherance of the purposes of this part except as such acts relate to expenditure of and accounting for monies collected under the provisions of this part.

SECTION 4. Tennessee Code Annotated, Section 40-3-209, is amended by deleting subsection (b) in its entirety and by substituting instead the following language:

(b) The district attorney general shall not use any of the funds collected pursuant to this part to supplement such district attorney general's salary, or to supplement the salary of any assistant district attorney general or other employee of a district attorney general, except as provided in Section 40-3-202(a)(5); provided, that should the state of Tennessee not have funds available to pay the salary and benefits of any district attorney general, assistant district attorney general or other employee of a district attorney general's office authorized by law to receive pay and benefits from the state of Tennessee, then in that event each district attorney general shall have the authority to transfer an amount from such funds sufficient to meet such district attorney general's office payroll to the state general fund, earmarked for payment of the salaries and benefits of the employees of the transferring district attorney general, so long as such funds exist. In no case shall any salaries and benefits so paid be greater than those otherwise authorized by state law. Funds collected pursuant to this part shall be expended only in furtherance of the purposes of this part.

SECTION 5. This act shall take effect July 1, 2003, the public welfare requiring it.

PASSED: May 22, 2003



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 6th day of June 2003



PHIL BREDESEN, GOVERNOR